

**Appln No. 09/454,219**

**Amdt date August 25, 2004**

**Reply to Office action of May 26, 2004**

**REMARKS/ARGUMENTS**

Claims 58-82 are pending. Claims 58, 60, 61, 63, 64, 67, 69-72, and 74-81 are amended. The Examiner has not acknowledged receipt of the IDS that was filed on July 19, 2001. Applicants respectfully request acknowledgment of the above-mentioned IDS by initialing and returning the attached copy of the same IDS.

Claims 60-66, 69-70, 72-73, and 79-82 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 60, 69, and 79 are rewritten in an independent form including all of the limitations of their base claims (58, 67, and 77, respectively), but not the intervening claims 59, 68, and 78, respectively. However, Applicants submit that the rewritten claims 60, 69, and 79 are still patentable over the cited references because none of the cited references include the limitation of "spoof ['spoofing' in claims 69 and 79] the first telephony device in response to a delay of the data signals from the remote system," recited by rewritten claims 60, 69, and 79.

Dependent claims 61-63, 71-76, and 80-82 are dependent from claims 60, 69, and 79, directly or indirectly, and include all the limitations of claims 60, 69, and 79 and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from allowable independent claims and for the additional limitations they include therein. Therefore allowance of rewritten claims

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60, 69, and 79 and their respective dependent claims 61-63, 71-76, and 80-82 is respectfully requested.

Claims 58, 67, and 77 are rejected under 35 U.S.C. 102(e) as being anticipated by Rasanen (US 5,805,301). Claims 59, 68, 71, 74-76, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen in view of Bhattacharya et al (US 6,353,610). Applicants submit that all of the remaining claims in this application are patentable over the cited references, and reexamination and reconsideration of the rejections and allowance of this application are respectfully requested.

Amended independent claim 58 includes, among other limitations, "a first rate negotiator configured to negotiate a data rate with a first telephony device over a first network line, and renegotiate the negotiated data rate with a second rate negotiator coupled to a remote system over a second network line, the remote system comprising a second telephony device."

Rasanen does not disclose "a first rate negotiator configured to negotiate a data rate with a first telephony device over a first network line," nor does it disclose "a second rate negotiator coupled to a remote system over a second network line." Rather, Rasanen discloses a mobile station (MS) with a facsimile adapter 2, a first telefax terminal 1 connected to the adapter, a mobile network (BSS, MSC), a second facsimile adapter 33 connected to a second telefax terminal 10 over a PSTN 9. (See, for example, FIG. 2, and col. 5, lines 28-42). "The telefax terminals may negotiate the facsimile data rate. The second facsimile adapter(33) monitors the negotiation and selects, on the basis of the negotiated facsimile data rate, the

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most effective channel coding available for the data connection." (Abstract, last paragraph.).

In the Office action, the Examiner associates the "rate negotiator configured to negotiate a data rate with a first telephony device" with the second telefax terminal 10 of FIG. 2 of Rasanen. (Office action, page 2, third paragraph.). However, this telefax terminal 10 (rate negotiator, according to the Office action) does not negotiate a data rate with a first telephony device (telefax terminal 10) over a first network line.

Also, the Examiner associates the "second telephony device" with the first telefax terminal 1 of FIG. 2 of Rasanen. (Office action, page 2, third paragraph.). Likewise, this telefax terminal 1 does not include "a second rate negotiator coupled to a remote system over a second network line, the remote system comprising a second telephony device," as recited by claim 58.

Accordingly, there is no disclosure in Rasanen about "a first rate negotiator configured to negotiate a data rate with a first telephony device over a first network line," or "a second rate negotiator coupled to a remote system over a second network line." As a result, claim 58 is not anticipated by Rasanen.

The amended independent claims 67 and 77 include, among other limitations, "negotiating a data rate with a first telephony device over a first network line," and "renegotiating the negotiated data rate with a second rate negotiator coupled to a remote system over a second network line, the remote system comprising a second telephony device." As discussed above, Rasanen does not disclose the above-mentioned limitations.

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Accordingly, for the reasons stated above, claims 67 and 77 are not anticipated by Rasanen.

In short, the amended independent claims 58, 67, and 77 define a novel invention over the cited references. Dependent claims 59, 64-66, 68, 70 and 78 are dependent from claims 58, 67, and 77, directly or indirectly, and include all the limitations of their respective independent claim and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from an allowable independent claim and for the additional limitations they include therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reexamination and allowance are respectfully requested.

Respectfully submitted,  
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